

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2009-XXXX

WASTE DISCHARGE REQUIREMENTS
FOR
LAKE OROVILLE MARINA, LLC
AND
STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION AND
DEPARTMENT OF WATER RESOURCES
FOR
OPERATION OF LAKE OROVILLE MARINA
BUTTE COUNTY

The California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Water Board), finds that:

1. The State of California, Department of Parks and Recreation (State DPR), administers the Lake Oroville Recreation Area on Lake Oroville, a California State Water Project Lake operated by the Department of Water Resources (State DWR). California Public Resources Code Section 5080.03 authorizes State DPR to enter into concession contracts for the operation of state park system lands and recreational facilities, including private marinas.
2. On 3 May 1996, the Regional Water Board adopted Waste Discharge Requirements (WDRs) Order No. 96-134 prescribing requirements for Kenneth Thacker, Gayle Thacker, Kenneth Mueller, Gerry Mueller, State DPR, and State DWR to discharge domestic sewage from Lime Saddle Marina to a sewage evaporation pond constructed at Lake Oroville Recreation Area.
3. On 19 March 2004, the Regional Water Board adopted WDR Order No. R5-2004-0032 to reflect an ownership change from Kenneth Thacker, Gayle Thacker, Kenneth Mueller, and Gerry Mueller to Lake Oroville Marina, LLC, and a name change from Lime Saddle Marina to Lake Oroville Marina.
4. On 1 October 2007, State DPR and Lake Oroville Marina, LLC (Concessionaire) entered into a 30-year contract to operate Lake Oroville Marina in the Lake Oroville State Recreation Area. Lake Oroville Marina, LLC, State DPR, and State DWR are hereafter referred to as Discharger.
5. On 30 January 2008 and 21 April 2008 respectively, the Concessionaire and State DPR submitted an Application/Report of Waste Discharge requesting revised WDRs to reflect the change of operation specified in the Concession Contract. Upon contract signature, State DPR assumed responsibility for the sewage evaporation pond, lift station, lower parking lots, parking lot restrooms, entrance station, and associated landscaping. The

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Concessionaire assumed responsibility for all floating facilities including; restrooms, pump out system, fuel storage and delivery system, boat moorage and marine repair services, all facilities and related delivery lines and utilities from the top of the launch ramp to the floating facilities, two mobile homes, upper parking lot service area, and storage area adjacent to the sewage pond. The purpose of this Order is to revise WDR Order No. 96-134 to reflect the Facility change and prescribe requirements that are adequate and consistent with the current Regional Water Board plans and policies.

SITE DESCRIPTION

6. The Facility is located in Sections 17 and 18, T35N, R4E MDB&M, of the Cherokee USGS Quadrangle, as shown on Attachment A, which is made part of this Order. The site topography is relatively steep, sloping toward Lake Oroville; the surrounding area is mostly undeveloped with some residential property.
7. The Facility lies within the Feather River Hydrologic Unit (518), Bloomer Hill Hydrologic Area (518.11) Calwater 2.1.
8. The average annual rainfall is approximately 33 inches (Department of Water Resources – Oroville Dam Station) and the average annual evaporation rate is approximately 60 to 65 inches (Department of Water Resources, Bulletin 73-79). The 100-year, 24-hour rain event is estimated to be 8 inches (NOAA).
9. Native soils at the evaporate pond are described by State DPR staff as yellowish-brown silty clay with percolation rates ranging from 42 to 417 minutes per inch, the majority of the tests being above 100 minutes per inch. Hardpan was encountered around 2.5 feet.
10. The subsurface geology consists of Paleozoic marine deposits, and Eocene to Jurassic meta-volcanic and volcanic rock, rated poor for leachfield systems.
11. No evidence of faulting has been reported at the site. The nearest mapped fault is Oregon Gulch Fault, which passes through Lake Oroville, and is considered non-active. The nearest potentially active fault (showing Quaternary-age displacement) is the Cleveland Hill Fault, located approximately 3 miles south of the Oroville Dam. The Cleveland Hill Fault ruptured in 1975, causing a 5.7 Richter magnitude earthquake felt in the City of Oroville. The maximum credible earthquake near-field event is an M_w 6.5 event with an expected peak horizontal ground acceleration of 0.5 g.
12. Land use within 1,000 feet of the Facility is designated for recreation. The surrounding vegetation consists of oak, grass, and chaparral.
13. There are no known water supply wells within one mile of the site. The Del Oro Water Company manages an intake near Lake Oroville Marina.

FACILITY OPERATIONS

14. Fluctuating quantities of domestic sewage are generated from houseboat pump outs, floating and land-based sanitary facilities, and mobile homes. The waste is pumped to two septic tanks (5,000-gallon and 3,000-gallon), as shown on Attachment B, which is made part of this Order. Sewage is transferred from the two septic tanks to a 35,000 acre evaporation pond constructed about 1300 feet from Lake Oroville's high water elevation. The pond is lined with 4 to 6 inches of grouted rock and/or cobble. This Order requires State DPR to install a groundwater detection monitoring system adjacent to the pond.
15. Wastes may also be discharged to Lake Oroville as a result of marina operations such as the refueling of vessels, storage of fuel, storage of chemicals, and maintenance of the facilities (including cleaning, washing, and refurbishing of rental houseboats). During the cleaning process, the Concessionaire uses water and a dilute solution of cleaning agent. Washwater from houseboat cleaning is directly discharged to Lake Oroville.
16. Petroleum products, stored in a 10,000-gallon above ground split tank and two 1,000-gallon tanks, is delivered to the marina dock dispensers through a series of underground and above ground piping. When the marina relocates during low water conditions, gasoline is delivered to the marina dock from a trailer-mounted aboveground storage tank.
17. Minor boat repair of rental boats occurs on the Concessionaire's floating service dock. Major boat repair (including engine overhaul) occurs within a designated boat yard and maintenance area. Most repairs occur during the winter and spring. Storm water discharges from the Concessionaire's maintenance operations are regulated under the General NPDES Permit for Storm Water Discharges Associated with Industrial Activities (WDID 5A451004001).

CEQA AND OTHER CONSIDERATIONS

18. The action to revise waste discharge requirements for ongoing Lake Oroville Marina operations is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.).
19. The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition*, (Basin Plan) designates beneficial uses, establishes water quality objectives and contains implementation plans and policies adopted by the State Water Resources Control Board. Pursuant to California Water Code Section 13263(a), waste discharge requirements must implement the Basin Plan.
20. Surface water drainage is to Lake Oroville, a tributary of the Feather River. The Basin Plan designates the beneficial uses of Lake Oroville as municipal and domestic supply; agricultural supply; industrial supply; hydropower generation; water contact recreation; non-contact water recreation; warm freshwater habitat; cold freshwater habitat; spawning reproduction and/or early development; wildlife habitat; and navigation.

21. The Basin Plan designates the beneficial uses of underlying groundwater as municipal and domestic supply; agricultural supply; industrial service supply; and industrial process supply.
22. The Basin Plan establishes numerical and narrative water quality objectives for surface water and groundwater within the basin. Water quality objectives are the limits or levels of water quality constituents established for reasonable protection of beneficial uses of water or the prevention of nuisances.
23. State Water Resources Control Board Resolution No. 68-16 Statement of Policy with Respect to Maintaining High Quality of Waters of the State (Antidegradation Policy), requires the Regional Water Board in regulating the discharge of waste to maintain high quality waters of the state until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in the Regional Water Board policies. This Order requires effluent and groundwater monitoring to assure continued protection of beneficial uses of waters of the state.
24. The local economy is sustained substantially by recreational activities on Lake Oroville; therefore continued operation of the marina is important to the economic vitality of the region.
25. California Water Code Section 13267 states, in part, that:

“In Conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the qualities of the waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”
26. The Monitoring and Reporting Program required by this Order is necessary to assure compliance with these waste discharge requirements.

PROCEDURAL REQUIREMENTS

27. The Regional Water Board notified the Discharger and interested agencies and persons of its intent to prescribe revised waste discharge requirements for the discharges of waste to land, and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
28. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the revision of Waste Discharge Requirements.

29. Any person adversely affected by this action of the Regional Water Board may petition the State Water Resources Control Board to review the action in accordance with Sections 2050 through 2068, Title 23, California Code of Regulations. The petition must be received by the State Board Office of Chief Council, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days of the date the action was taken. Copies of the law and regulations applicable to the filing of a petition are available on the Internet at http://www.waterboards.ca.gov/water_laws/index.html and will be provided upon request.

IT IS HEREBY ORDERED, pursuant to Sections 13263 and 13267 of the California Water Code, that Order No. 96-134 is rescinded, and that Lake Oroville Marina LLC, State of California Department of Parks and Recreation, and State of California Department of Water Resources, their agents, successors, and assigns, in order to meet the provisions of Division 7 of the California Water Code and the regulations adopted thereunder, shall comply with the following:

A. Discharge Prohibitions

1. The discharge of waste classified as 'hazardous', as defined in Section 2521(a) of Title 23, CCR, Section 2510, et seq., (hereafter Chapter 15), or 'designated' as defined in Section 13173 of the California Water Code, is prohibited.
2. The discharge of waste from hot tub treatment or use to surface waters or surface water drainage courses is prohibited.
3. The by-pass or overflow of untreated or partially treated wastewater from the sewage disposal system is prohibited.
4. The discharge of sewage, including gray water, from houseboats to surface waters is prohibited.
5. The discharge of solid or liquid waste or pollutants, including solvents, oil, grease, or other petroleum products, to surface water, or surface water drainage courses is prohibited.

B. Discharge Specifications

1. The maximum daily discharge shall not exceed 5,000 gallons.
2. Neither the treatment nor the discharge of waste shall cause a nuisance or conditions of pollution as defined by the California Water Code, Section 13050.
3. The discharge shall not cause degradations of any water supply.
4. The discharge shall remain within the designated disposal area at all times.
5. The treatment facilities shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.

6. Objectionable odors originating at the facility shall be investigated, and controlled. Failing treatment system components shall be repaired.
7. Solid waste shall be properly contained to prevent waste from entering surface waters.
8. The dissolved oxygen content in the upper zone (1 foot) of wastewater in the evaporation pond shall not be less than 1.0 mg/L.
9. Wastewater in the evaporation pond shall not have a pH less than 6.5 or greater than 8.5.
10. Ponds shall be managed to prevent breeding of mosquitos.
11. Vegetation and solids buildup shall be minimized to maintain adequate pond capacity.
12. Public contact with wastewater shall be precluded through such means as fences, signs, and other acceptable alternatives.
13. The evaporation pond freeboard shall not be less than two feet (measured vertically to the lowest point of overflow), except if lesser freeboard does not threaten the pond integrity, no pond overflow occurs, and lesser freeboard is due to direct precipitation or storm water runoff occurring as a result of annual precipitation with greater than a 100-year recurrence interval, or a storm event with an intensity greater than a 25-year, 24-hour storm event.
14. Deodorizing chemicals and chemicals used for houseboat and facility maintenance shall be stored in containers designed to prevent discharges to groundwater, surface water, or surface water drainage courses.

C. Groundwater Limitations

1. The discharge shall not cause contamination of underlying groundwater nor cause underlying groundwater to contain waste constituents that are significantly greater, statistically, than background water quality.

D. Provisions

1. The Discharger shall comply with Monitoring and Reporting Program No. R5-2009-_____, which is part of this Order, and any revisions thereto as ordered by the Executive Officer.
2. The Discharger shall comply with all the items of the "Standard Provisions and Reporting Requirements for Waste Discharge Requirements (Standard Provisions)," dated 1 March 1991, which are part of this Order.

3. The Discharger shall dispose of sludge and other solids removed from waste disposal systems in a manner that is consistent with Title 27, California Code of Regulations and approved by the Executive Officer.
4. The Discharger shall comply with the standards contained in Title 23, California Code of Regulations, Division 3, Chapter 20, Sections 2815 through 2829, *Standards for the Removal of Sewage from Vessels*.
5. The Discharger shall report to the Regional Water Board any material change or proposed change in character, location, or volume of the discharge or chemical or cleaning agents used.
6. In the event of any change in control or ownership of land or waste discharge facilities described herein, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to the Regional Water Board.
7. The Discharger shall notify the Regional Water Board by telephone immediately upon having knowledge of a discharge of hazardous or designated waste to surface waters, or surfacing effluent from the septic tank or evaporation pond.
8. The State of California Department of Water Resources as administrator of the property at which the discharge occurs, is ultimately responsible for ensuring compliance with these requirements. The State of California Department of Parks and Recreation and Lake Oroville Marina LLC retain primary responsibility for compliance with these requirements, including day-to-day operations and monitoring. Enforcement actions will be taken against State of California Department of Water Resources only in the event that enforcement actions against State of California Department of Parks and Recreation and/or Lake Oroville Marina LLC are ineffective or would be futile.
9. A copy of this Order and its attachments shall be maintained at Lake Oroville Marina and the State DPR Entrance Station for reference by key operating personnel.
10. The Regional Water Board will review this Order periodically and revise requirements when necessary.
11. State DPR shall install a groundwater detection monitoring system for the sewage evaporation pond in accordance with the following time schedule:

<u>Task</u>	<u>Compliance Date</u>
a. Submit a work plan for installation of a groundwater monitoring system adjacent to the sewage evaporation pond.	31 July 2009
b. Submit groundwater monitoring system installation report.	31 December 2009

I PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region on _____ 2009.

PAMELA C. CREEDON, Executive Officer

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02/24/2009